

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Second Appeal No. 98/2002

(Baban Khandu Dhule **VERSUS** Dhondba Shankar Balkhande & others)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. Mahajan, counsel for the appellant.
 Mr.Vyavahare, counsel for the respondent.

CORAM : Smt. Vasanti A. Naik, J.

DATE : 21st September, 2007.

Heard the learned counsel for the parties.

The counsel for the respondent nos.1 and 2 has filed a pursis dated 22.09.2003 stating therein that the dispute between the parties is compromised and the lis does not survive as the cause of action has come to an end. When this pursis was noticed by this Court on 28.07.2007 and this Court was inclined to pass necessary orders on the pursis, the counsel for the appellant sought time to verify the aforesaid position. The counsel for the appellant, however, submits that in spite of issuance of a registered letter to the appellant, the appellant has refused to accept the same and the same

has been received by the counsel with an endorsement of "Not Claimed".

The statement made on behalf of the appellant clearly shows that the appellant is not interested in prosecuting the appeal. In view of the contents of the pursis, the second appeal is dismissed with no order as to costs.

JUDGE

APTE